

AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheets" of drawings include changes to Figures 1-5. The attached "Replacement Sheets," which include Figures 1-5, replace(s) the original sheets including Figures 1-5.

Attachment: Replacement sheets

REMARKS

Claims 1-13 are presently pending in this application. By this amendment new dependent claim 14 has been added. Reconsideration is respectfully requested.

OBJECTION TO THE DRAWINGS

The Examiner has requested that replacement sheets for Figures 1-5 be provided, bearing the legend -- Prior Art --. This has been done.

REJECTION UNDER 35 U.S.C. §102

Claims 1-13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Miyashita et al. (US 5,959,747). Reconsideration is respectfully requested for the following reasons.

Miyashita discloses a method of determining a power for erasing. In the method, in the same manner as a recording, test data are written on an optical disk, while changing power prior to a real erasing operation, and test data is reproduced (next track is reproduced) and evaluated to determine the power for erasing. See Miyashita Figure 12. Notably, power for the test data is applied in a stepwise fashion.

In applicants' invention, the overwriting/erasing condition is obtained based on previously recorded real data (old data) on which overwriting is to be performed. That is, power for erasing is determined by only reproducing the real data and determining the recording condition without performing test recording. Thus the concept of the present invention differs from that of Miyashita.

It is respectfully submitted that applicants' claim 1 differentiates applicants' invention from Miyashita for at least this reason: In Miyashita, the power used to generate the test

data for test recording is increased in a stepwise fashion. The recorded test data is thus produced in a special stepwise-increasing format and cannot therefore be construed as real recorded data (old data). Indeed, the recorded test data of Miyashita would not be suitable for storing information content, as it cannot be read out to achieve real data during playback.

In applicants' claim 1, the terms "old data" and "new data" describe the real data that is actually used for recording and retrieving information. These real data are not met by Miyashita's test data. The same argument applies to applicants' other independent claims, which recite old data/new data. In view of this difference between applicants' invention and the Miyashita system, it is respectfully submitted that claims 1-13 are allowable.

Claim 14 further distinguishes applicants' invention in that the Miyashita system uses the *same apparatus* to record the test data and the non-test data. Claim 14 specifies that applicants' new data recording step and the old data recording are performed by different apparatuses.

CONCLUSION

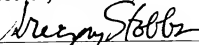
It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 2552-000063/US from which the undersigned is authorized to draw.

Dated: April 2, 2007

Respectfully submitted,

By



Gregory A. Stobbs

Registration No.: 28,764

HARNESS, DICKEY & PIERCE, P.L.C.

P.O. Box 828

Bloomfield Hills, Michigan 48303

(248) 641-1214

Attorney for Applicant

Attachments